

**ENVIRONMENT, LAND ACQUISITION AND PLANNING COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

MINUTES**

A regular meeting of the Environment, Land Acquisition and Planning Committee was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **July 31, 2002**.

Members Present:

Legislator David Bishop - Chairman
Legislator Michael Caracciolo - Vice-Chairman
Legislator Ginny Fields
Legislator Jon Cooper
Legislator Andrew Crecca

Also In Attendance:

Paul Sabatino II - Counsel to the Legislature
Tom Isles - Director of Planning
Christine Costigan - Director of Real Estate
Lauretta Fischer - Real Estate Department
Nicole DeAngelo - County Executive's Office
Vito Minei - Department of Health Services
Legislator Lynne Nowick
Martin Greenstein
Jessica Ganz
Richard Sciascia
Andrew Rapiejko
David Tonjes
Robin Siegelman
Adrienne Esposito
All other interested parties

Minutes Taken By:
Donna Barrett - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 3:15 P.M.*)

CHAIRMAN BISHOP:

Good afternoon, ladies and gentlemen. This is the Tuesday, July 30th meeting of the Suffolk County Legislature's Committee on Environment, Land acquisition and Planning. I apologize for the delay. It's our first day back from vacation, there was a lot to digest. We'll begin

with the Pledge of Allegiance to be led by constituent, citizen Philip Goldstein.

SALUTATION

If you wish to address the committee, you need to fill out a yellow card. Someone who has filled out a card, our first speaker is Martin Greenstein. Do you have -- these other people are with you on this issue, right? Jessica, who's been here before and Richard Sciascia. Why don't you come forward at this time also. Take the seats at the table. We'll do it as a panel. Good afternoon all. Is there anyone who wants to speak first?

MR. MARTIN:

Good afternoon, and thank you again for inviting us to share some thoughts. My name is Marty Greenstein. My company is Enchanted Parties Event Pros. We've been in the business for approximately 30 years, and we'd like to address the issues as they have been presented to us. Passing laws require facts, and I'd like to share some facts with you. Fact, nobody would release a balloon release of under 500 balloons. It would be financially a disaster. Nobody would knowingly and on purpose do a 25 balloon release because it would make no sense. Fact, mylar or foil balloons, which are not biodegradable are never used in balloon releases because they are far too expensive, the cost would be astronomical. Fact, balloons of any types with ribbons are never used in balloon releases. It again becomes too expensive, and those of us who are responsible would not use them because they are not biodegradable, the ribbons. Fact, when balloons are released of in balloon releases of 500 or whatever more balloons, those balloons generally rise 500 or more feet in the air, they explode into hundreds of -- tons of little pieces and float back to earth. When they do break like that, they become much more readily biodegradable and do not in accumulate in any manner which could be gathered up and found. Fact, many many independent groups have done environmental clean ups all over the country, all over the local areas. When combining all of the combined junk, the amount of balloon debris has been less than one half of 1%. And we don't say that's an excuse to do it, what we're saying is it's a very very small amount. And since most of the balloons accumulated in those releases are individual balloons or mylar balloons that have been found, it's not something that had a major release.

CHAIRMAN BISHOP:

Mr. Greenstein, forgive me, but we've had numerous public hearings and then we had committee hearings, and I know I'm familiar with these arguments, I believe the committee is. I thought we were at a point where the balloon manufacturers and sellers were working with the sponsor on some sort of compromise language that everybody could live with. Has that effort been blown away?

MS. GANZ:

Thank you for asking. My name is Jessica Ganz, I'm with the Balloon Council. I do not know of any changes other than the increased amount to 25 balloons.

CHAIRMAN BISHOP:

Were there any meetings, face to face meetings? That's where I thought we had left it when we broke in June.

LEG. NOWICK:

Yeah, we did make a change. We increased the amount of balloons to 25, and we also -- we also took away the portion where each -- where there had to be a separate note on each balloon. There would just have to be a sign up in the stationery store.

MS. GANZ:

But the number of balloons remained at 25.

LEG. NOWICK:

Yes.

LEG. NOWICK:

I think we went over this ad infinitum. We have talked to many an environmental group, we have talked to over and over and over, we've talked to different people about the amount of balloons and what would be appropriate.

CHAIRMAN BISHOP:

What was the original -- the original bill --

LEG. NOWICK:

Was five.

CHAIRMAN BISHOP:

-- was five, we're now at 25. The original bill said that every balloon had to have a notice upon it, and now it's just at the point of purchase.

LEG. NOWICK:

Yeah. It's just at the point of purchase there would be a sign, an informational sign about the law.

CHAIRMAN BISHOP:

Right.

LEG. NOWICK:

And no more separate little pieces of paper, but --

MR. RYAN:

In referencing the other states that have laws on the books, we felt that the compromise to 25 would bring it in line with Tennessee and California which both have 25 balloon limits, and it was less restrictive than Florida and Connecticut, which both have ten.

LEG. NOWICK:

And you know what else, this stopped the worrying about the little

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kids, and the one balloon and the five balloons, and this went more for the big release part of it.

CHAIRMAN BISHOP:

The sponsor moved off her position, is that not satisfactory to the -- to the industry? And maybe she should go back to her original then.

MS. GANZ:

I can't speak for the retailers, but from my understanding, it's 25 balloons, they are not going to release 25 balloons purposely, that's number one. Number two --

CHAIRMAN BISHOP:

So then you shouldn't have a problem with it, right? You're saying that it's unlikely that there would be a release of 25 balloons.

MS. GANZ:

Well, that prohibits them from doing any kind of release. What about arches. You know, if they do an arch, and an arch --

CHAIRMAN BISHOP:

Right. They would be -- they would be bad.

LEG. CRECCA:

You wouldn't intentionally release an arch, right? I'm just asking.

MR. GREENSTEIN:

Generally speaking, arches are not intentionally released except by children, sometimes they'll cut it. They may be released, and we would be opposed to that by the catering halls in which we've left them, because it's easier to let them go then to break them and clean them up. We can't be responsible for things that we've left, regardless of how we leave a note, don't do this, it's wrong to do. But what could happen is that somebody who's not aware of the law -- what we really -- there are a number of issues that we wanted to bring forward, one of which was the biodegradable issue. That's the real issue. When foil or non biodegradable balloons are released, they're the problem. The regular balloons when they're released, they're not -- they're not a major issue. When they explode, nobody can even find

them.

LEG. NOWICK:

No. No. No. Not true, the major --

CHAIRMAN BISHOP:

Because obviously we couldn't do this in private, so we're going to have to do it here.

LEG. NOWICK:

I'm going to do this real fast, because I think everybody knows. The major -- the biodegradable, when they biodegrade, when they don't biodegrade, they're all over the shores of the beaches. In the morning before the major clean up, they're all over, they come to the shore. So if they biodegrade, whenever they biodegrade, I don't know, but they do make it to the shore. They make it to the surface of the Long Island Sound, they make it to the surface of the ocean, and they

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hang there, they stay there. So when they biodegrade really isn't the question, how many months, how many weeks. They're there, they're litter. But while I have you here I need to ask a question. I have -- I saw this mock resolution with my name on it introduced by Legislator Nowick, laid on the table April 16th. Can I know how this came about with my name on it?

MS. GANZ:

That was -- that -- is that the one with the strike throughs?

LEG. NOWICK:

Yeah.

MS. GANZ:

And the -- that was something that somebody suggested I do to change the language.

LEG. NOWICK:

But who put my name on it, because I --

CHAIRMAN BISHOP:

It's your bill, and they sent it back to you with striking language --

MS. GANZ:

With the corrections.

CHAIRMAN BISHOP:

Their suggestions.

LEG. NOWICK:

I know it showed up here, but I just wanted to make the record clear that I did not in any way condone this with my name on it. And that's as an aside, that's it's not something that I knew about.

MS. GANZ:

Well, I guess, as an aside, I would like to mention that we were not called upon to meet with Legislator Nowick. So any positions that she's heard from has not been from the balloon industry.

CHAIRMAN BISHOP:

Let me ask you this, Mr. Greenstein. If we adopted your definition of biodegradable, then most of the balloons sold in Suffolk County would not be covered under that proposal; is that correct?

MR. GREENSTEIN:

I couldn't tell you, I don't -- I don't -- most of the balloons I do are biodegradable. I don't -- I hardly do any mylar. I think the stores have a different mix.

CHAIRMAN BISHOP:

But most balloons are latex, is that --

LEG. NOWICK:

Yeah. You know what? I think you're taking this out of proportion. This is not going to hurt anybody. This is -- this is -- this is an educational -- it's more of an educational thing. This is not going

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to hurt you because you're not letting balloons go anyway, so it wouldn't matter.

LEG. CRECCA:

Are you?

MR. GREENSTEIN:

Well, we have in the past on major balloon releases, that's 500 or more balloons.

LEG. NOWICK:

But know that it's come to your attention, you really don't want to.

LEG. CRECCA:

But no matter -- if we change -- I mean, if we change the law with -- I forgot what the numbers you were originally requesting were -- 500 or more, you would -- you still wouldn't be able to do the balloon releases.

MR. GREENSTEIN:

I'd be delighted, I hate doing them. I really do.

LEG. CRECCA:

Right. So we're doing you a favor.

MR. GREENSTEIN:

You know what? Honestly, I'm not concerned with never doing another balloon release.

LEG. COOPER:

You say that you hate doing them, why is it that you hate doing them?

MR. GREENSTEIN:

Because you do them because you get paid to do them. You don't have to like what you do. You don't like everything you to do at work, you just do what, you know, what your job is. Sometimes a balloon release becomes a part of an adventure that you're creating. When the United Way wanted to release 10,000 balloons celebrating an occasion or when Computer associates did their grand opening -- but something that confuses me in this bill is that it says that if the government can chose to do a release, then it's okay. I don't understand that.

MR. SABATINO:

The exemption is for scientific or meteorological purposes.

MR. GREENSTEIN:

That sounds like one balloon.

CHAIRMAN BISHOP:

I don't know. I don't think they release mass balloons for science. Anyhow --

LEG. NOWICK:

I kind stand where I stand, and I believe in what I'm saying.

CHAIRMAN BISHOP:

So you've changed your bill as much as you're going to change it. You object to the bill, you think that it should be changes to reflect a definition of biodegradable, which includes latex as biodegradable.

MR. GREENSTEIN:

I would like -- the two changes that I would like effected, as a businessman, as a provider of balloons, I'd like the word biodegrade added, and if not, I would like that number at least changed to 200 or 250 so that if a giant arch is put together, and it gets away and someone chooses to say you did it on purpose, whoever let that go is in trouble, and I don't think that's fair. And in as much as we're not doing balloon releases in those amounts, I think that changing the number to something substantially below what a release would be to

protect the innocent. I mean, those are the facts that we want to do with. Yes, I agree that 25 is a lot fairer than five, but I don't think it's realistic, because an arch or a column all have more than that. And if it get away --

CHAIRMAN BISHOP:
Those aren't intentional.

MR. GREENSTEIN:
But now you need a psychologist. Did you do it on purpose? Did a kid -- if a kid's holding a bunch of balloons or pulls --

CHAIRMAN BISHOP:
You just heard before, we have a big juvenile delinquency system, so --

MR. GREENSTEIN:
If you've been around balloons, you know that they -- kids can be very very funny. Legislator Nowick --

CHAIRMAN BISHOP:
That's not obviously --

MR. GREENSTEIN:
-- pointed out that I did a balloon release at a hotel, all right, where I let all of the centerpieces go, which was a lot of centerpieces. Truth of the matter was that we were gathering the centerpieces to break them out of the eyesight of all the other people that were there, and a child let them go.

CHAIRMAN BISHOP:
Most laws are designed to address intentional behavior. If somebody litters, they can argue, well, you know, the wrapper just fell out of my hand. It's the same situation. We don't not move forward with littering laws because we have to get inside people's minds, it's equivalent to that. Sir, do you have anything you want to add while you're -- while you're here? I think we are where we're at. And we're going to take a vote today up or down, it is the way it is. That's what the sponsor wants, I think that's what the committee wants. We appreciate you coming down and speaking to us about these issues. Obviously, you've impacted the bill itself. And you've educated the committee. So thank you very much.

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MR. GREENSTEIN:
Thank you.

CHAIRMAN BISHOP:
Robin Siegelman. You're not with them, right? You're the other side

of the issue. You're the teacher who sends me e-mails and faxes.

MS. SIEGELMAN:
Can you hear me?

CHAIRMAN BISHOP:
Yes.

MS. SIEGELMAN:
Okay. Hi, I'm Robin Siegelman. Yes, I'm the 3rd Grade teacher from Nassakeag Elementary School, and this is Christopher Fidotta, who's here to keep me company today. First of all, I want to thank you very much for giving my students the opportunity of a lifetime to be able to come here and speak as they did. And I'm not sure now after listening to the Balloon Council's arguments what they are, but just to counteract, and I don't want to take up all the time, because I know that these arguments have been heard. But it is a fact that balloons are litter, it is a fact that this is something that people have come up to me since they've heard about it and are surprised that this hasn't taken place early. It's seems like a common sense measure. I think that people don't realize, and if they did realize that -- seeing balloons as a form of litter or harm to sealife, that would be something that most people with a not choose to do. Countless people have come up, and my students have seen it as an issue too in a very rational way, yes, it is hard to prove exactly that a balloon may have been the cause of death for a sea animal, but can we rationally assume that it's -- it's good for them.

As far as -- I do want to address the biodegradability issue, because so many things can be considered to biodegrade, it just depends on how much time you want to give them to do so. And until they do so, they do pose a danger, and I think that's an important thing. I can say that paper cups are biodegradable, and if I wanted to throw as many up as I can and let them come down and litter and not be responsible for picking them up, that wouldn't be allowed to happen. I would be -- get a ticket for doing so, for littering. I just got off the phone last night too with a company, I just wanted to mention Maui Balloon Company, and they have a beautiful balloon business in Maui, they refuse to do releases, they've taken an environmental stance. And they are on the Balloon Council's own website, there are many e-mails of other balloon manufacturers who agree, and I have the e-mails here. And I won't take up the time, but agree that releases are not a good thing, and that as responsible business people with the social consciousness as well, that they should agree not to do the releases. No one's banning balloons, but to allow them to be used in a way that irresponsible, is -- should to not be allowed to continue. And I thank you for giving me the opportunity, and thank you, Chris, for keeping me company. He's here, but I do want to acknowledge that my class for this letter writing campaign came in 3rd Place in New York State Senate Earth Day competition, and he's got his T-shirt and his

medal on for the achievements for that. So I'm very proud of them.

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LEG. NOWICK:

Congratulations to your class, they're wonderful.

CHAIRMAN BISHOP:

What torture do you have for us next year?

MS. SIEGELMAN:

I don't know. Give me some time. Thank you.

CHAIRMAN BISHOP:

Thank you. Okay. Is that it? To the agenda we go. Why don't take that one out of order? What number is it?

TABLED PRIME

1450. Adopting Local Law No. Year 2002, a local law to ban mass release of balloons within the County of Suffolk. (NOWICK)

CHAIRMAN BISHOP:

1450, motion to take it out of order by myself, seconded by Legislator Crecca. All in favor? Opposed? The resolution is now before us. This is the local law as amended by the sponsor to ban mass release of balloons in the County of Suffolk, is there a motion on it?

LEG. CRECCA:

I'll make a motion.

CHAIRMAN BISHOP:

Motion to approve by Legislator Crecca. Is there a second? Is there a second? I'll second it. All in favor? Opposed? Any abstentions? Resolution's APPROVED (VOTE: 5-0-0-0). It goes to the full Legislature on Tuesday. All right. To the top of the agenda. Why don't we do the CEQ. Mr. Bagg, good afternoon.

CEQ RESOLUTIONS

MR. BAGG:

Good afternoon.

CHAIRMAN BISHOP:

CEQ Resolutions, sir.

MR. BAGG:

Fine. First resolution is CEQ 34-02 is a proposed SEQRA Classification of Legislative Resolutions laid on the table May 21st and June 11th.

CHAIRMAN BISHOP:

Motion by myself, seconded by Legislator Cooper. All in favor?
Opposed? 34-02 is APPROVED (VOTE: 5-0-0-0).

MR. BAGG:

The next is the (35-02) proposed planning and construction of a new Arson Building on the Fire Training Academy Grounds in Yaphank, Town of Brookhaven. Council recommends that it's a Type II action since it involves construction of a nonresidential structure less than 4000

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square feet.

CHAIRMAN BISHOP:

Now, isn't this the facility where they practice the firematics, they practice to be firemen? And then there's the issue of live burn versus gas burn.

MR. BAGG:

Right. Yes.

CHAIRMAN BISHOP:

Isn't there an issue about what is burned, what happens to it? Does it, you know, leach into the groundwater? Does the smoke go to the nursing home, which is adjacent?

MR. BAGG:

They convert a lot of that facility to propane. I mean, because they did have problems in their facility. They do need some active burn facilities other than propane because it does not totally simulate a fire.

CHAIRMAN BISHOP:

I'm guess I'm asking is isn't this the time that we're supposed to ask the question does the facility have an environmental impact?

MR. BAGG:

Yes.

CHAIRMAN BISHOP:

And that was considered by the Council, and they believe that it's not even worth a look, a study.

MR. BAGG:

Well, they've looked at that thoroughly in the past. Okay. And when they built the skilled nursing facility, they did have problems with the smoke. And the Department of Health Services said there wouldn't be a problem, but there was. So since that time they've converted to

propane because of that problem.

CHAIRMAN BISHOP:

When do we get these CEQ minutes? When does that begin?

MR. BAGG:

The verbatim minutes were at the last meeting, but basically I don't know when the Legislature will have them done.

MS. BARRETT:

They're finished.

CHAIRMAN BISHOP:

Okay. All right. Is there a motion?

LEG. CRECCA:

You know what? I'll make a motion for the fire building. Motion to approve.

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CHAIRMAN BISHOP:

Motion to approve by Legislator Crecca. Is there a second?

LEG. COOPER:

Second.

CHAIRMAN BISHOP:

Seconded by Legislator Cooper. All in favor? Opposed? I'll abstain.

APPROVED (VOTE: 4-0-1-0) (LEG. BISHOP; ABSTAINED) i'd like to see the minutes, see what it was based on.

36-02. Proposed various actions at Bergen Point Country Club and Bulk Nursery, Suffolk County Parklands, Town of Babylon.

MR. BAGG:

This involves numerous actions. I believe it's within the lease renewal --

CHAIRMAN BISHOP:

The lease renewal, and it's the -- it's the preservation of property across the street.

MR. BAGG:

Right. And the Council recommends that all the actions on the lease are Type II actions.

CHAIRMAN BISHOP:

Motion by Legislator Crecca, seconded by myself. All in favor?

Opposed? APPROVED (VOTE: 5-0-0-0).

37-02. Proposed planning and construction of addition to Tri-Community Health Center, Town of Babylon.

MR. BAGG:

Council feels it is a Type II action since it involves local legislative digit including rehabilitation or reconstruction of facility incline on the same site the expansion of a nonresidential facility involving less than 4000 square feet.

CHAIRMAN BISHOP:

Motion by myself, seconded by Legislator Cooper. All in favor? Opposed? APPROVED (VOTE: 5-0-0-0).

38-02 Proposed planning phase of demolition of old Cooperative Extension Building, Town of Riverhead.

MR. BAGG:

Yes. This is for the planning phase only.

CHAIRMAN BISHOP:

Okay. Because it's on old building with a lot of asbestos in it, I would assume, right?

MR. BAGG:

Well, it's not for the demolition, it's for the planning phase.

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CHAIRMAN BISHOP:

Planning. Okay. Motion by Legislator Crecca, seconded by Legislator Fields. All in favor? Opposed? APPROVED (VOTE: 5-0-0-0).

39-02 Proposed planning phase of improvements to Skilled Nursing Facility, Town of Brookhaven.

LEG. CRECCA:

Motion.

CHAIRMAN BISHOP:

One of which is probably an air ventilator.

LEG. CRECCA:

No, it's a different one.

MR. BAGG:

This is for the planning and construction of replacement of fire hoods at the Police Precinct, equipment replacement.

CHAIRMAN BISHOP:

Motion by myself, seconded by Legislator Fields. All in favor?
Opposed? APPROVED (VOTE: 5-0-0-0)

LEG. CRECCA:

Wasn't that 39-02 we just did?

CHAIRMAN BISHOP:

Yes.

LEG. CRECCA:

He read -- yeah, all right.

CHAIRMAN BISHOP:

I thought I did. I thought I read 39-02.

40-02. Proposed planning and construction to replace fire hoods at
Police Headquarters, Town of Brookhaven.

LEG. FIELDS:

Motion.

LEG. CRECCA:

Second.

CHAIRMAN BISHOP:

Motion by Legislator Fields, seconded by Legislator Crecca. I see
where the mistake was. That's APPROVED (VOTE: 5-0-0-0).

42-02. Proposed SEQRA classifications of Legislative Resolutions laid
on the table on June 25, 2002.

CHAIRMAN BISHOP:

Motion by myself, seconded by Legislator Cooper. All in favor?
Opposed? APPROVED (VOTE: 5-0-0-0).

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43-02. Proposed planning and design for the construction of the 4th
Police Precinct, Hauppauge, Town of Smithtown.

CHAIRMAN BISHOP:

Motion by Legislator Crecca. This isn't the same location, I
understand.

MR. BAGG:

Yes, I believe so, but this is for the only preliminary planning
provision necessary for the formulation of the ultimate construction.

CHAIRMAN BISHOP:

Motion by Legislator Crecca, seconded by Legislator Fields. All in favor? Opposed? APPROVED (VOTE: 5-0-0-0).

44-02. Proposed purchase of landing counter for Gabreski Airport.

CHAIRMAN BISHOP:

Oh, landing counter. That's just literally a counter.

MR. BAGG:

Actually a counter, it's there's to count landings of planes and also it bills the planes that land and most it's a piece of equipment that's --

CHAIRMAN BISHOP:

Motion by Legislator Fields, seconded by Legislator Cooper. All in favor? Opposed? APPROVED (VOTE: 5-0-0-0)

45-02. Proposed drainage improvements on NYS Route 27A, Montauk Highway, Champlin Creek, Town of Islip.

CHAIRMAN BISHOP:

Negative declaration. Motion by Legislator Fields, seconded by myself. All in favor? Opposed? Forty-five is APPROVED (VOTE: 5-0-0-0).

Thank you Mr. Bagg

INTRODUCTORY PRIME

CHAIRMAN BISHOP:

To the top of the agenda we go.

1772. Authorizing planning steps for the aquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (land in Medford Pine Barrens, Town of Brookhaven). (TOWLE)

CHAIRMAN BISHOP:

We have a presentation. We'll do it after.

MR. ISLES:

This is a parcel of about 55 acres located in the Central Suffolk SGPA. It is within the compatible growth area of the Pine Barrens. The parcel as you'll see on the aerial photograph before you is located north of a relatively densely developed neighborhood. To give

you a bearing in terms of the location, this is a little bit north of the Long Island Expressway, and a little bit east of State Route 112. The Planning Department has done a review of this in terms of the

criteria utilized by the Legislature, and the ranking on this parcel is 20.

LEG. FIELDS:

Out of 25.

MR. ISLES:

Out of 100. The scale goes from zero to 100. Typically 25 is the recommended threshold. So it's not like a passing grade of 70 in school or anything like that.

CHAIRMAN BISHOP:

Motion to table by myself. Is there a second?

LEG. CRECCA:

Second.

CHAIRMAN BISHOP:

Seconded by Legislator Crecca to table this one. Perhaps the sponsor can make a case for it at a later time. TABLED (VOTE: 5-0-0-0)

1774. Accepting and appropriating additional 100% grant funds from the New York State Department of Health to the Department of Health Services, Division of Environmental Quality for the Drinking Water Enhancement Program. (COUNTY EXEC).

CHAIRMAN BISHOP:

Motion by myself, seconded by Legislator Crecca. All in favor? Opposed? APPROVED (VOTE: 5-0-0-0).

LEG. CRECCA:

I just have a question. On my agenda, which was from the other day, so maybe -- unless it's changed, shows 1762 as the first prime resolution.

CHAIRMAN BISHOP:

It was wrong.

LEG. CRECCA:

I'm sorry, I apologize.

CHAIRMAN BISHOP:

Apology accepted. Chris, who does the agenda, this is his last meeting. He's going to law school in September.

LEG. CRECCA:

Don't do it.

CHAIRMAN BISHOP:

He doesn't make mistakes, he's going to be a lawyer.

1775. Amending the 2002 Operating Budget to transfer funds from the Suffolk County Water Protection fund (477) Reserve Fund to the

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Department of Parks, Recreation and Conservation for the implementation of an Organic Maintenance Program and creating positions in the Department of Parks, Recreation and Conservation. (COUNTY EXEC).

CHAIRMAN BISHOP:
I'll make a motion to approve.

LEG. CRECCA:
I'll second.

CHAIRMAN BISHOP:
Seconded by Legislator Crecca. All in favor? Opposed?
1775 is APPROVED (VOTE: 5-0-0-0)

1787. Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at Dixon Avenue, Town of Babylon. (POSTAL)

MR. ISLES:
The resolution 1787 we're passing around a copy of the aerial photograph. This is a parcel that is relatively small, but it's a vacant parcel that is proposed for the Greenways active Parklands Program. The resolution has been recently corrected. The prior resolution spoke of the development of athletic fields; lacrosse, football, soccer and so forth.

CHAIRMAN BISHOP:
How big is it?

MR. ISLES:
The exact dimension is --

CHAIRMAN BISHOP:
It looks like a building lot.

MR. ISLES:
-- .17. So it's a little over a tenth of an acre, a little less than a 20th of an acre. So it's less than a quarter of an acre. The resolution has been corrected to delete the reference to athletic fields, and now speaks of a playground and playing field. This is a planning steps resolution. If the Legislature sees fit to authorize this, prior to an authorizing resolution, this would require review by Council on Environmental Quality, by the Parks Trustees. And also, on

the Administration's position, review by the Parks Department for the development of a management agreement with the sponsor, which we believe to be the Town of Babylon in this case.

LEG. CRECCA:

Can I ask a question?

CHAIRMAN BISHOP:

I don't think they can answer, though. I think only Counsel probably has the information that we need, but go ahead, Legislator Fields.

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LEG. FIELDS:

Tom, what is on the opposite side of -- of the green, kind of it looks like a roof, and it's in red?

MR. ISLES:

To the left on the map?

LEG. FIELDS:

Right.

MR. ISLES:

We believe that to be a residence.

LEG. FIELDS:

So it's -- so this would not be part of that and -- okay. And the yellow is?

MR. ISLES:

The yellow is the next resolution, which is 1788, which is also proposed for acquisition under the Greenways Active Parkland proposal.

LEG. FIELDS:

What will happen to that building?

MR. ISLES:

We're not aware -- we haven't seen any plans for this. We're assuming that based on our reading of the resolution that the building that's currently on the property would have to be demolished, and the playground or playing fields would then be developed. I don't have any further information, I'll defer to the Parks Commissioner if he has anything further.

LEG. FIELDS:

Who would pay for the demolition? Do we know that?

MR. ISLES:

I'm not aware of who would pay for that. That would certainly have to

be an issue addressed with the town if they are going to proceed with this as far as I know.

LEG. CRECCA:

I have a question on that.

CHAIRMAN BISHOP:

I think that as a pure Greenways Create Fields Resolution, it's not going to cut muster. There's probably more to it that we need speak to the sponsor about. She's not available here today. I make a motion to table, seconded by Legislator Fields. All in favor? Opposed? We'll table that for future discussion.

TABLED (VOTE: 5-0-0-0)

LEG. CRECCA:

Can I just ask one thing? If they follow up with the sponsor just to ask about specifically the intended use and parking also. Because this is -- it looks like a relatively busy intersection that certainly would be a concern on the County roads right here.

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1788. Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at Great Neck Road. (POSTAL)

CHAIRMAN BISHOP:

1788, same motion, same second, same vote. TABLED (VOTE: 5-0-0-0)

CHAIRMAN BISHOP:

Okay. We have -- before we go to the tabled resolutions, we'll do the presentation in the hope that the fact that there are more resolutions to be voted on will keep committee members from straying as they want to do. Good afternoon.

MR. MINEI:

Good afternoon. I'm Vito Minei, Director of Environmental Quality for the Department of Health Services. Today we're going to have a presentation from the consulting firm of Cashin Associates, who performed the Carmans River investigation. That was one the three parts that was required as of Resolution 168-1998 that provided \$300,000 to the Department of Health Services for three separate tasks. One was split sampling with analysis that were performed at Brookhaven Lab. One was for \$150,000 health and environmental assessment of the Peconic River, which we've just started on a few months ago. And one was for analysis of the contaminant impact on the Carmans River for \$75,000 with the 300,000. So we're going to have a presentation from Cashin Associates on their findings and conclusions. And, I believe, Adrienne, you wanted to have a few words. Okay. Afterwards. Dave Tonjes, the Project Director from Cashin Associates.

MR. TONJES:

Good afternoon. My name David Tonjes, I'm with Cashin Associates.

CHAIRMAN BISHOP:

Do you need to stand by it?

MR. TONJES:

I'll point at it as need may be. I'm with the environmental and engineering firm, Cashin Associates, here in Hauppauge. We performed the Carmans River Environmental Assessment for the County. The study area was defined into two ways. One was by the USGS defined groundwater drainage area, which is the green line on the map. The second is a mile and a half buffer around the river itself. And what we did was we looked at the greater of the two areas as the determined study area. And I'd like to begin our presentation by reminding the committee of the resource that -- that we're here to talk about, and give you a little tour of the Carmans.

The Carmans is predominantly fed by groundwater. Up in the Cathedral Pines County Park it begins as a dry river bed and then depending upon groundwater levels and the particular year water starts flowing into the river. So here you can see that water has started to seep into the -- into the river. Just a little bit south of Bartlett Road, it becomes a quite substantial stream. There are three major dams on the Carmans. The northern most forms upper lake in Yaphank. South of upper lake, the river again flows unimpeded until it gets to Lower Lake, which again is formed by a dam. South of Lower Lake, the river

flows again, and finally enters into Southaven Park, which is again, a County facility. In this vicinity is an important structure for our study, which is the USGS Gaging Station. The USGS uses this location to measure flow in the river. It also has been the most common sampling point for chemical analysis of the river. This is the kind of information that you get from the gaging station. This is a report a flow in the river. Fifty cubic feet per second is approximately about 75 million gallons a day of flow. So you can see the river has -- has at its peak most years about 50 million gallons of flow per day of water. Flow in the river is driven by groundwater head. And so when groundwater levels are at their highest in late Spring, flow is greatest. You can see that every once in a while there are peaks in the flow. And that's due to rainfall event. Most of that is not actual runoff into the river, but actually augmented flow in the groundwater system.

This the annual variations that occur in average groundwater flow. And so you can see that as groundwater levels vary over the years, so does flow. And there was actually a lot more variation then we

expected. Moving south from the gage through Southaven Park the river is really quite beautiful and relatively pristine. There are some structures that control flow in the river that aren't actual dams all the way across. These were created to improve fishing habitat. There are also duck blinds, which are still actively used in the Fall and Winter hunting seasons. But the river is probably most famous for its trout fishery. It's considered to be a world class trout stream where there are some native trout and stock brook trout in the stream.

This is the rear in Southaven Park that forms a little bit of a back up. However, {Harts} Lake, which is located just north of Route 27 is this is the last major lake on the river. This is the dam, this marks the -- from this point south, the river is actually tidal, although saltwater does not travel this far north up to the dam. It's fresh for about a mile south of the dam most years. However, the river does broaden with saltwater intruding up into it and becomes a saltwater estuary with lots of -- well, with a few small marinas on it, but predominantly a relatively pristine environment.

The intention of -- the intention of our study was to determine the chemical, biological, ecological and hydrological status of the system. And we did that by going out and collecting existing literature and data. We performed our own sampling with the help of the County. We evaluated existing river assessment programs, both those run by the County and by the state and federal government. We conducted a land use and pollution source inventory. And from that, we were -- we were hoping to come to some conclusions regarding the overall health of the river. We had three major tasks. The first was to collect the data. So we collected sampling data from state, federal and local sources, created a MicroSoft data base, evaluated the data at that point, and then also compiled sources of potential contaminations to try to explain some of the data in a that data base. We developed the sampling and analysis plan for the -- for the particular sampling we did, and also so that the County could use it perhaps as an template for later sampling. To do that, we looked at historical sampling, existing sampling as done predominantly by the County. We developed three sampling programs. One to sample the

water itself, one to sample the sediments, and then a third to look at the impacts on the river from -- from rainfall.

And finally, we analyzed the samples by collecting them, sending them out to appropriate laboratories, doing quality control, and finally creating the report that you have a summary of in front of you. Data collection involved a literature search and sort of a traditional discussion of the physical and biological setting of the river. We also collected monitoring data from -- from the USGS, New York State DEC, and particularly from the local Health Department, the County

Health Department. We did a land use inventory from the Town of Brookhaven. And we also conducted a point source and non point source input survey into the river. We also made several trips up and down the river as a complete physical survey of the river.

To give you an idea of the land use in the vicinity of the river, only 19% of the land use in our study area was -- is residential. The bulk of the land use is what's described as community services, which are things such as parks, cemeteries, libraries and schools. Twenty-two percent of the land in the Carmans River Catchment Basin is vacant at this time. And so that's perhaps something for the County to consider in its long term planning. All in all, something on the order of 750 samples have been taken in the river over time. We identified and organized these samples and -- for the County and for our own purposes. We also identified key physical locations in the river basin, such as the sampling stations where contaminant plumes originate, where smaller spills, such as gasoline spills or underground tank problems have occurred and other sites of interest, such as historical duck farms or points of interest such as the Long Island Railroad sighting that may be a contaminant source and a pet cemetery. We evaluated the data by looking at linear trends, although over a hundred samples were tested for organics of various sorts. There were very few detections, and so we' were able to individually identify them. And in the historical data base they are only two episodes where anyone had ever looked at the sediment quality of the river.

To give you some idea of the trends in the river, I'm going to show you some quick sampling data. This trends for chloride over 50 years. And you can see that concentrations have risen from about six parts per million up to about 25 to 30 parts per million. Sodium is also increased over the same time period, although not as dramatically. It's -- it's increased by about 250% from about five parts per million up to 12 and a half to 13 parts per million. Conductivity, which measures the amount of dissolved material in the river has followed a similar trend where its -- where its increased from about 60 to 70 units back in the late '40s to about 150 today. Calcium has also increased, although the increase here again is much smaller than -- than some of the other parameters. It's increased from about five parts per million up to eight to nine parts per million.

Some parameters haven't changed over time though. For example, temperature just shows a simple seasonal change where it's -- the river is cold in the winter, hot in the summer. And this is important because it being a trout stream, it's important that the -- that the temperature of the river not become warmer over time. We were

there's a great deal of variability in the data, most of the results have -- when first measured back in the '60s were between six and seven Ph units, and they're still in that range today. Dissolved oxygen which again is important for the {bioda} in the river, again, has -- has varied seasonally because cold water holds more oxygen than warm water. But by and large, the results are all at oxygen saturation levels.

Iron on the other hand, seems to have declined since it was first measured in the early '70s, where it's moved from about 600 parts per billion down to the two to 300 parts per billion. And another interesting parameter is nitrate, which often signifies septic or sewage influences or agricultural inputs into a system. Many of the results in the late '60s and early '70s were -- were relatively high, two to four parts per million. And results have declined from there to here. However, if you look at the data from the early '70s where -- where most of the results were below one, today they're up at about one half to one and three quarter parts per million. So there does seem to be an increase in trend there.

As I mentioned earlier, very few organic compounds have ever been detected in the river. Out of over 100 samples, these are the only detections we found. And you can see that it's by and large just single detections of compounds. The sole exception is MTBE. It was first detected in 2001 in the river and in July. And since then, it's being detected quite more often. We identified potential sources of contamination by looking at County groundwater records, looking at BNL reports. We hired the firm Toxic Targeting out of Ithaca, New York, which maintains a large data base on small contamination spills. We looked at results from New York State, from SUNY Stony Brook and other -- other contamination studies. And we tried to define the potential inputs to groundwater since groundwater is the source of all the water in the river.

And these are the plumes that -- that could potentially impact the river. There's a large volatile organic plume originating at Brookhaven National Lab and moving in the general vicinity of -- of the river. There's what's called the precision concepts plume, which is an organics plume out of -- out of a single building in -- just south of the Long Island Expressway. In the late -- I'm sorry, in the early 1980s, there was a spill of solvents at the Suffolk County Department of Public Works Building. That was traced moving towards the river then, and it's probably reached there by now. There was a larger spill of solvent that originated up in the general vicinity of the Long Island Expressway and was again tracked in the vicinity of the river.

A fireworks factory in Yaphank had some problems with perchlorate, and plume also appears to be moving so as to discharge into the river. And the Brookhaven Landfill plume also appears to be moving in the

general vicinity of the saltwater portion of the river. As I said, we also did a inventory of stormwater structures in the drainage area. Most of these are recharge basins and catch basins of various sorts. There were --

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CHAIRMAN BISHOP:

Can I just ask something?

MR. TONJES:

Yes.

CHAIRMAN BISHOP:

As I want to do, I went -- I tried to get to the bottom line on this, and it says, "Overall the CA, Cashins Associates, finds that Carmans River is a healthy body of water and foresee no major threats to its continued well-being"

MR. TONJES:

Yes.

CHAIRMAN BISHOP:

Would that include those plumes that you've just identified?

MR. TONJES:

Yes. We --

CHAIRMAN BISHOP:

None of these are major threats?

MR. TONJES:

We don't -- we don't believe that -- I'm sorry. We don't believe that the -- these plumes will have major impacts on the -- on the water quality of the river. We -- we do believe that the County needs to continue its Groundwater Surveillance Program to ensure that the concentrations coming near to the river and potentially exiting into the river are of inconsequence.

CHAIRMAN BISHOP:

Before I open it up to questions, I just -- could you -- what do you have, about five minutes left of this?

MR. TONJES:

About that.

CHAIRMAN BISHOP:

You're going to concentrate on the issues that we as policy makers should be aware of.

MR. TONJES:

Yes. Yes.

CHAIRMAN BISHOP:

Because so far, it's all --

MR. TONJES:

Just intro.

CHAIRMAN BISHOP:

-- a lot of method and everything's fine. So what do we need to know?

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MR. TONJES:

We're getting to that, sir.

LEG. FIELDS:

Can I just ask a question. You mentioned that you don't foresee the plumes having -- what was the terminology that you expressed?

MR. TONJES:

A major impact on the water quality.

LEG. FIELDS:

Major. Why?

MR. TONJES:

One is the dilution factor. Most of these plumes are relatively narrow compared to the overall groundwater inflow into the river, so that they have -- they may have -- they may have a measurable impact right where they exit into the river. However, they're going to very quickly be diluted by the flow of the river and by additional groundwater inputs.

LEG. FIELDS:

And would we have reaction or would the fish have a reaction to where it enters the stream?

MR. TONJES:

That would depend on the actual concentrations entering at that point and whether the fish is there to be affected by it.

LEG. FIELDS:

So we don't really know that it's not going to have a reaction.

MR. TONJES:

In terms of the overall water quality of the river, there will not -- our belief is that there will not be measurable amounts of organic

compounds, for example, from the organic contaminant plumes.

LEG. FIELDS:

And could you say that if I were a nine year old, and I fished there fairly often in the spring or whenever trout season is open, and I ate those fish on a regular basis that there would be no problem?

MR. TONJES:

That's not my particular field of expertise. What I do know of it, I don't believe it will be a health problem. I don't think there's a health risk problem from these -- these volatile organic compound plumes.

LEG. FIELDS:

But on perchlorate we haven't even really determined what that actually does, have we not? Have we?

MR. TONJES:

I defer.

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MR. MINEI:

There is a small body of literature on the ecological effects of perchlorate. We've discussed at a prior presentation the health implications on humans or perchlorate, but it is indeed still on outstanding question with regard to the ecological effects. I can tell you that as one of the major streams, one the 12 or so, USGS gage streams, we monitor it quarterly. So we'll continue that vigilance on that. We will also continue our groundwater monitoring. There's also a question as to whether or not some of these plumes will indeed show up in the stream itself, pass under it or go elsewhere. So that's still on outstanding question as well; whether or not their final occurrence will be in the stream flow or somewhere else in the groundwater underflow.

MR. TONJES:

Thank you. We sampled 14 -- 14 water quality stations, 11 sediment, sent it out to reputable labs, got good results. This was where we sampled, we sampled, as you can see, from the mouth of the river all the way up the lake. We did our sampling in November. We had planned to do wet weather sampling, but if you can remember the Fall, it didn't rain, so we were unable to do that. There were no laboratory problems associated with the sampling. To give you an idea of the results, generally, the Long Island expressway, which is somewhere around -- would be at about Station 120 seems to have a measurable impact on water quality in the river or it's a marker of where water quality changes, specific conductivity increased, this is from north to south in the river. So specific conductivity increases, but these are relatively low levels.

Again similar pattern with chloride. Nitrate follows a similar pattern, although the increase in the nitrate occurs before the Long Island Expressway. Some -- some constituents don't follow this pattern, iron, for example, is seen to have a more random pattern to it. The radiological data that we collected from the sediment was relatively benign -- well, of little interest, since it was basically background levels with the exception of one sampling station. And it's still in inexplicable why this -- this particular station was much higher than any of the others. And that's it for our sampling results.

Our conclusion was that water quality in the river was really of very high quality. The County samples, as Mr. Minei just mentioned, quarterly on their own. They also sample for the USGS also on a quarterly basis. They generate a tremendous amount of data. All the data seems to indicate that water quality is by and large excellent. The only exceptions may be the following parameters, and that's coliforme counts. High coliforme counts in Bellport Bay have precluded shellfishing at the mouth of the river. There are high coliforme levels up and down the river. It's not clear whether this has -- from a human source or as seems more probable is associated with the larger number of birds, you also saw in the pictures of the river. MTBE seems as if it's becoming a potential problem. In the sampling we did for the County, we had two detections of MTBE out of our 15 stations. No other organics were detected. There is no obvious source for the MTBE. The gasoline spills that could be producing it seem to be -- are not obviously entering the river. So

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this is -- this is a problem that -- that's also been measured generally in groundwater and surface water elsewhere.

Soluble salts, as we mentioned earlier in the presentation, have increased anywhere from 75% to 400% over a 50 year period. This probably has to do with increasing land development. Soluble salts such as -- such as sodium and chloride are widely used in road salting in wintertime. There are more roads now in the area. There are more homes, and so there's more road salting when it does snow. However, nitrates are also increasing, and if the nitrates are increasing along with soluble salts, that could be a sign that there's a slight septic influence occurring in the river. And again, the radiological peak may be -- may bear further investigation.

Our recommendations to the committee are as follows. We think that the County may or should work with the Town of Brookhaven to preserve as much land as possible in the basin. As mentioned, somewhere around 20% of the land in the -- in the basin is vacant. Some of that is preserved because of the Pine Barrens initiative. However, there is

land, still vacant land along the river corridor, which could be developed. New York State Department of Transportation is very anxious to do stormwater mitigation projects. And they're looking for local partners, either the town or the County to increase the impact of their efforts. The County has a very active Groundwater Surveillance Program. We strongly recommend that this be continued. And, in fact, we'd like to suggest an expansion of it in the last bullet. We think that the now that the County has a consolidated data base that they can analysis this further and perhaps make connections and further understand exactly how the system works and what potential contaminant problems could arise. With that in mind, we think that sediment sampling should be initiated and carried out. The sediments provide an accurate record of past impacts and also measure current impacts in a way that's different from -- from water quality sampling. And the monitoring efforts should be continued with improved detection limits as possible. Perhaps looking at alternate septic tracers, trying to expand the synoptic sampling that we did, in other words, moving up and down the river at a single time rather than just sampling at a single station. And we think that wet weather sampling holds some promise to explain perhaps by coliforme counts and soluble salts continue to increase. Thank you for your time. I'm sorry this ran so long. Any questions?

CHAIRMAN BISHOP:

Thank you for presentation. I have a question. Maybe Mr. Minei can clarify this for me. This study was authorized by the Health Department our by the -- by legislative resolution?

MR. MINEI:

It was resolution 168-1998 (sic), it had three parts to it.

CHAIRMAN BISHOP:

Okay. And that was resolution 1219, which read, "in order to ascertain with a sense of assuredness whether or not and to what extent contamination has occurred as a result of radioactive releases and groundwater migration from Brookhaven National Labs to the Carmans and Peconic Rivers. And in order to ascertain whether or not the

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public health and safety are at risk, sampling of the Carmans River and an independent scientific risk assessment is warranted." That's what this report is meaning, that's the authorization for this report?

MR. MINEI:

Yes.

CHAIRMAN BISHOP:

Okay. So the emphasis of the resolution is, is the Brookhaven National Lab contaminating the river?

MR. MINEI:

And the proximity of the Carmans River to Brookhaven Lab, yes.

CHAIRMAN BISHOP:

Right. And the report says, well, we found one little spike, a very significant spike, and that should be investigated later on. So was the -- did your charge to this entity to Cashin Associates match the resolution, or did they do something different or am I missing the point?

MR. MINEI:

I think it meant the charge and also the -- I think the intent and rationale going in is if you're going to conduct a sampling program on the river, let's do an expansive one to evaluate the environmental conditions along the river in general to see if there are other sources.

CHAIRMAN BISHOP:

That's fine, but you can't miss the point of what you were there in the first place for.

MR. MINEI:

I don't think we did miss the point.

CHAIRMAN BISHOP:

Well, why is there so little -- why such short shrift to the critical question?

MR. MINEI:

There's very little in the way of radiological impact to the river. I think that's -- I think that's what the findings show. There's one spike that we will indeed follow up on. There is not a pervasive impact of radiological constituents --

CHAIRMAN BISHOP:

Could the follow up have been done in this -- with this money and under this legislative authorization? It would seem to me that that's clearly what the resolution that Legislature passed intended.

MR. MINEI:

The resolution also directs the Health Department to work in conjunction with the Citizens Oversight Committee.

CHAIRMAN BISHOP:

That's on the Peconic River. I read this resolution.

MR. MINEI:

In general --

CHAIRMAN BISHOP:

I think I did what you didn't do, which is read the resolution.

MR. MINEI:

I think my reading comprehension skills are adequate enough for this purpose.

CHAIRMAN BISHOP:

They've been poor in the past.

MR. MINEI:

Do you -- do you have examples of that?

CHAIRMAN BISHOP:

Browns Field Program. You can give us a report on what you've done there.

MR. MINEI:

We'd be glad to. We've been waiting for over a year for you to convene that committee so that we can make that presentation. But you keep -- you keep complaining, but I haven't seen an example of that.

CHAIRMAN BISHOP:

You keep ducking the meeting.

MR. MINEI:

We haven't ducked anything.

CHAIRMAN BISHOP:

You said you couldn't make any of the meetings.

MR. MINEI:

That's not true at all. That's not true at all. If you want a Browns Fields Staff Report, we'll give it to you at any time.

CHAIRMAN BISHOP:

Okay. Next meeting.

LEG. FIELDS:

I have -- I just want you from Cashin to just explain on bullet page four, where it says -- its the second bullet actually. It says, "one sample suggests that sediments from one sample may be more radioactive than others. This initial result if confirmed by additional sampling would require more investigation to discern the source of the problem."

MR. TONJES:

Yes.

LEG. FIELDS:

Can you explain that. On the top.

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MR. TONJES:

Although there is no doubt that both the alpha and beta results from the -- from that one particular sample, which is in the middle of Southaven Park had higher readings than any of the other samples. There's some notion that perhaps there was a laboratory error involved in these readings, if you just get one result that's very different from the others.

LEG. FIELDS:

What that reading -- was that sample rather?

MR. TONJES:

November 14th.

LEG. FIELDS:

Of?

MR. TONJES:

2001.

LEG. FIELDS:

So did you go back and take another sample from that area to see if?

MR. TONJES:

No, we didn't.

LEG. FIELDS:

Why?

MR. TONJES:

We got that result in January, and at that time we were -- we were being asked to resolve the study.

LEG. FIELDS:

But I don't understand. In other words, what Legislator Bishop is saying is that in the resolution it states, "and in order to ascertain whether or not public health and safety is at risk, sampling of the Peconic and Carmans Rivers and an independent scientific risk assessment are warranted and should be conducted by an outside consultant." So I'm looking at that and I'm saying, well, you're telling me that one sample may not have been inaccurate -- might have been a lab mistake or error, but you didn't go back. So we really don't know whether this presentation really tells us what we need to know.

MR. TONJES:

Well, we don't have any explanation for that one result. The overall sampling of the river indicated no elevated levels of radioactivity except at this one point. The one sampling point was not an area where sediment appeared to be accumulating rather than in other areas. So that it really wasn't an inexplicable result as near as we could determine.

LEG. FIELDS:

Do you know where that sample was taken?

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MR. TONJES:

Yes.

LEG. FIELDS:

And did you -- you didn't go back to that area to take another sample?

MR. TONJES:

No. Our sampling and analysis plan had called for only the one -- the one sampling of that with the potential --

LEG. FIELDS:

That's your plan.

MR. TONJES:

Yes, that we submitted to the Health Department, yes.

LEG. FIELDS:

Vito.

MR. MINEI:

I'm going to ask Andy Rapiejko who's -- who's the Project Director for us to follow up on that.

MR. RAPIEJKO:

We did a number of sediment samples in the river, and as Dave had indicated, there was one sample that was elevated. When you're sampling sediments in a river, there are a lot of natural radioactive materials; uranium and what not, and you're actually sampling the dirt and the rocks. So it's very likely that this isn't related at all to Brookhaven Lab, that it could be a natural source. One of the follow ups that we have done is we have gone along in River Road in conjunction with some other investigations we're doing, and we've been sampling putting in wells along River Road, which would be the input that and sampling that water for radioactive material. It's a gross alpha and gross beta was the hit. It's not any specific radioactive material. So that would include if there were natural radiation. And

this has been the follow up that we've done. It's -- we normally don't do sediment samples for radiation, that's a special run that puts a tax on the lab. And we intend on going back there and collecting the sample. We've been doing the water samples, and with our next round when we're going out to sample the Carmans River, we will be collecting that and doing a follow up.

LEG. FIELDS:

I would ask, you know, just looking at the resolution and looking at the report and hearing it that you go back to that spot. I'm very confused that you wouldn't do that. You know, that it just wouldn't be a natural occurrence to do that. So I would ask that you go back to that very same spot, find out with another sample if we get the same kind of reading.

MR. RAPIEJKO:

We would want to do even more sampling then just one. So you have to understand, we have a lot of coordination with our lab and to put other things on hold to do this. And that's the process that we're in. And when we have -- when we can arrange it, we will be going back

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and doing, you know, a number of samples, sediment samples in conjunction with the water samples. And you get all the whole pieces and then you look at it and see what the next step is. And that's kind of how our plan is to --

LEG. FIELDS:

Who analyzes?

MR. RAPIEJKO:

The radiological labs were done by our Suffolk County Public Health Laboratory.

LEG. FIELDS:

Thank you.

MS. ESPOSITO:

I'm going to just jump in here for a second. I'm here representing the Community Oversight Committee, I'm the Co-Chair of that committee. You may recall that is the committee that was set up from the legislation. And one of the issue with the COC, Community Oversight Committee, was to request of the Legislature to go back and reinvestigate that one sample. We do not want it described as an anomaly or anything like that. We -- the real issue here is we don't know what it is, and it needs to be investigated, and it needs to be explored further.

LEG. FIELDS:

I have one more question. There was another -- one, two, three, four -- fourth bullet -- "additional sediment sampling should be performed to establish current levels and to monitor changes through time as US Fish and Wildlife Service's sampling indicated potentials for contaminant concentration and certain {bioda}." What contaminant? Was it radiological contaminant, was it --

MR. TONJES:

No. In the -- in the early 1990s the US Fish and Wildlife Service did a very comprehensive study of certainly {bioda} and sediment down in the Wertheim National Wildlife Refuge. We sampled for some of the similar constituents as they did in the early 1990s. Due to some restraints on the availability of -- of laboratory -- what's the best word for it -- because -- because the laboratory was -- was unable to duplicate the very very low detection limits that were achieved in the early 1990s, our results mostly came back as non detections for the same levels of metals. We think that it's possible with -- with greater effort to improve the detection limits and actually determine what -- what level, instead of just saying the amount of lead in river sediment is below 100 micrograms per kilogram. We think it's possible to actually determine what the level of lead is. And thereby be able to determine if the preliminary results from the Fish and Wildlife Service were accurate that some of the -- some of the metal levels in sediments are a little bit elevated. They were mostly concerned with thing like -- such as lead and cadmium and mercury.

LEG. FIELDS:

Thank you.

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MR. RAPIEJKO:

I would just like to address Legislator Bishop's concern about the applicability to the Brookhaven Laboratory and the study. It seems that there's come confusion that Brookhaven Laboratory and radiation are the only problems. As Dave had mentioned, there's quite -- several volatile organic plumes in North Shirley coming from Brookhaven Lab may or may not impact the river. That was also part of the study. Also, Brookhaven Lab in the Peconic River, they had a direct input from the sewage treatment plant. They had metals such as mercury, copper, silver. All those contaminants were sampled in addition in the radiological portions. The Peconic River had a direct input from their sewage treatment plant into the river. There is no direct input from Brookhaven Lab to the Carmans. It would be through the groundwater input, which the groundwater would eventually hit the sediment and then the water in the stream. So I think that -- also what Mr. Tonjes had mentioned was that there are quite a number of other VOC plumes in the area. If we were just to sample for -- and not do this extensive study to see what else is possibly impacting the river, and we found some VOC that we would start blaming Brookhaven

Lab for, I think that would be negligent on our part to say that maybe it's -- it's another source. So we had to step through this. And this assessment as it was done, I feel does -- is applicable to determining if Brookhaven Lab may or may not impact the river. If some of these plumes eventually do hit the river, now we do have a base line for the river that when these Brookhaven Lab plumes move further in the future, we can see if they have an input into the river, now we have a baseline for that. So I think the study does address those issues.

MS. ESPOSITO:

Let me just add to that too. I don't know if it's in the small handout that you got, but somewhere in here as I read it, it does talk about what's called OU3 coming from BNLs, which some of you may or may not know. But out of the seven plumes emanating from BNL, two have radiological contaminations, one is EDB, ethylene dibromide, which is a pesticide, and the rest are VOC plumes. Two out of the seven have the potential of reaching the river, one is the {tridium} plume, although it is undergoing remediation right now so it's not believed that it will reach the river. And then there is another one that is a big part of the of the question mark here. And one of the concerns is that the BNL has asked that it allowed to be -- go into the river in small levels because solutions to pollution it dilution, which I don't agree with, but -- many other don't also. But that is talked about in here, about that potential issue of BNL and in the Carmans River. So I don't want you to think that that was excluded because it not have been in what was prepared, but there is a much larger version that does talk about the OU3 issue and BNL there.

MR. RAPIEJKO:

One thing we didn't mention was all of our radiological samples included {tridium}. There was no detections of {tridium} in any of the samples that we analyzed for in the Carmans River.

LEG. CARACCILOLO:

Mr. Chairman, I noticed in this report -- I don't see a map showing -- am I missing something here?

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CHAIRMAN BISHOP:

You just have a synopsis.

LEG. CARACCILOLO:

Right. Okay. Do you have a hand out that you could provide as to where the sampling stations and sites were?

MR. TONJES:

Yes.

LEG. CARACCILOLO:

And where are they in relationship to down grade from the lab? We're talking southwest of the lab here, right?

CHAIRMAN BISHOP:

Right.

LEG. CARACCILOLO:

If you can print that slide out for me, I'd appreciate it. Okay. Just catching up real quick here as to your summary and conclusions, it seems that there's an indication here that more testing, more monitoring should be undertaken; am I correct in that?

MR. RAPIEJKO:

Yes.

LEG. CARACCILOLO:

In terms of the presentation made today, has there been a request to provide funding for additional wet weather monitoring and other bio monitoring techniques?

MS. ESPOSITO:

I don't think there's been a request for funding, but representing the COC, one of the things we would like to see, because we did not get an opportunity to do wet weather sampling because of the dry weather. We really do think that's critical because that will allow us to ascertain -- get a better handle on where is the MTBE coming from, is it from groundwater flow or it is from road runoff atmosphere, deposition was ruled out. If you read the big report, because it said it was showing up in some areas of the river and not other areas, which would -- may lead you to believe that it would be more groundwater flow or road runoff. So if we could do wet water sampling, I really think that would be a great beneficial characterization of the river and where contamination is getting in and what else is impacting it or may impact it in the future. That also allows us to be able to do some of the recommendations in here, which is to do some stormwater remediation and drainage remediation programs which would benefit the river.

LEG. CARACCILOLO:

So I guess that begs the question this is the beginning not the end of exploring what needs to be done here at the Carmans River.

MR. MINEI:

Just two quick points, Mike. You might have missed part of the presentation. The overarching theme to this whole presentation is

And the reason of that is attributable directly to the watershed. Somewhat analogues to the Peconic River, there's a lot of open space in County park land; Cathedral Pines as well as Southaven Park. I think from the chart that Dave presented it was about 42% is in community services, a lot of that's open space. The other part of that is about 22% of vacant land. So that's land that's more of a management challenge to this group as well as the entire Legislature with regard to acquisitions. That's land available development. I would just also invite the attention for readership that the first resolve clause indeed directed the Health Department to work in concert in conjunction with the Community Oversight Committee to develop a sampling plan for both the Carmans River and the Peconic River. It wasn't just the Peconic River.

LEG. CARACCILO:

In terms of where we go from though, what's the next step?

MR. MINEI:

Well, first of all I just wanted to say having been involved in this for over 30 years, we invite this independent and objective evaluation of the monitoring program. There's a couple of things to be done. One certainly in the management scheme is addressing this -- this concern about protecting the watershed, protecting the water quality of the Carmans River, land acquisition, everything we're dealing with on a Smart Growth initiative for the County and other related activities are called into play here. Number two, there's a question about expanding the monitoring program. We're continuing trying to do that. Certain motions in effect now, the Early Retirement Plans, a lot of things effect that as well as other priorities on pesticides and monitoring of the groundwater program. One of the recommendations from Cashin Associates is for us to expand our groundwater monitoring program. I don't have to tell you, Mike, how many times we've discussed that. There's a discussion of specific aspects of monitoring sediment quality as well as biological monitoring, very cost intensive, very resource intensive aspects of monitoring. We're evaluating that now. We also would like to like into different things like remote sensing that has very powerful implications with regard to cutting down on the costs of staff, laboratory analysis, etcetera. But we're taking these recommendations to heart. We're trying to evaluate that. We will be continuing our monitoring of the Carmans River.

LEG. CARACCILO:

Okay. In terms of land acquisition aspects, the 22% that you say is available that's vacant land and may potentially be available for preservation to help protect this valuable watershed, could you help identify those properties and make a list of recommendations to the committee?

MR. MINEI:

Sure. We'd be happy to work with the Planning Department and Park Department to --

LEG. CARACCILO:

I was going to say and the Planning Department --

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MR. MINEI:

-- to identify priorities.

LEG. CARACCILO:

Maybe we can organize a list of priority acquisitions in that area to achieve that goal. I see Commissioner Scully.

COMMISSIONER SCULLY:

I'm sorry. Just 30 seconds to let you know that Real Estate did recently close within the past six months, two key acquisitions in the corridor; Camp Olympia, which is just north of the Long Island Expressway, which has been long sort, and a parcel called the Novack parcel, which is a little bit further north up near Cathedral Pines. So progress is being made, and we continue to press for acquisitions in that corner.

MS. ESPOSITO:

I wanted to -- let me just really quickly just say what the COC wanted to say, and one was already the radioactive spike that we'd like to see investigated further. The other was the wet water sampling, which we already raised. And the third is just the issue of the MTBE, which as you heard from Cashin Associates it's finding -- they're finding it in greater quantities, but more frequency of hits or detects as well. And so that, you know, would lead somebody to believe that if the water in the Carmans is pristine and there's a lot of areas around in the water basin there that have already been preserved, and it's already increasing in frequency and quantity in the Carmans, what is it doing to other tributaries all across Long Island going into the Long Island Sound, the South Shore Estuary, as well as the Peconic Estuary in rivers that are not -- watersheds are not protected. So it also may lead you to want to do some investigation about what are MTBE levels in tributaries and stream systems that are not as well protected and preserved as the Carmans Rivers are.

LEG. FIELDS:

I just have one --

MR. MINEI:

May I just answer that quickly, Ginny?

LEG. FIELDS:

No. No, wait. I just -- I want to go back to this other thing. I

agree with her. Yeah, Vito, is Cashin Associates finished now that you've gotten paid for the job of responding to this, is that?

MR. TONJES:
Yes, ma'am.

LEG. FIELDS:
But -- and Vito, maybe you can answer this. I'm still stuck on that one thing. On the first -- the third whereas where it says, "in order to ascertaining whether or not public health and safety are at risk, sampling of the Peconic and Carmans Rivers and an independent," blah, blah, blah. But they're asking for an assuredness whether or not and/or to what extent contamination has a -- has occurred as a result of radioactive releases. Wouldn't that one sample that your not sure

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whether was a lab error answer that whereas to go back and just analyze that one sample?

MR. RAPIEJKO:
We are going back to sample -- to sample that.

LEG. FIELDS:
Who's doing that?

MR. RAPIEJKO:
Well, the County would.

LEG. FIELDS:
But wasn't Cashin Associates supposed to do that? Isn't that part of this?

MR. RAPIEJKO:
Their recommendation was to go back and do a follow up on it.

LEG. FIELDS:
They weren't supposed to do it? Am I wrong?

CHAIRMAN BISHOP:
Independent analysis of whether there should be concern. In 1999, there was great concern that Brookhaven National Lab is leaking, oh, my goodness, you know, there is a great environmental depravation occurring, is it occurring in these tributaries; Carmans River and Peconic River. And the resolution, when you read the resolution, it speaks to that, the report does not speak to that directly. Now, I understand that the report went beyond -- or interpreted the legislative charge broadly, and said, "we're going to look at the entire river and analyze -- you didn't perform analysis, right? Okay. Then analyze sources of contamination beyond just Brookhaven National

Lab, which was fine. The problem that I had and Legislator Fields may have and Legislator Caracciolo may have is that it seems that its initial thrust of the resolution wasn't fulfilled, the mission wasn't fulfilled, in that it doesn't speak to whether directly there's a problem with radioactivity from Brookhaven Nation Lab occurring. It says, well, there was one big spike, and it should be looked at further. Am I overstating it? Or is that what the --

MR. TONJES:

You have to understand what the one big spike is. It's a gross alpha, gross beta reading. It's not a {tridium} or a plutonium or anything specific that could be tied to Brookhaven Lab. You could -- they had -- when Brookhaven Lab did their --

CHAIRMAN BISHOP:

Right. But you don't know if it's from the lab or from the --

MR. TONJES:

When Brookhaven Lab did their plutonium investigation, they used the Connetquot River as a control. They had many spikes of -- uranium. And it was from the uranium from the rocks in the Connetquot River. These spikes it could just be there's a deposit of different types of rocks in that area. So, yeah, we could go back and do that sample

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and --

CHAIRMAN BISHOP:

Maybe what Legislator Fields was asking in the last question is do you have enough information to fulfill the legislative mandate, which was to tell the public whether there was a risk. That's what it says in the resolution, and I don't see that in the report. That's what we're confused about. And I think you're looking at us like scientists look at politicians, like we're -- we're not speaking the same language.

LEG. FIELDS:

I think --

CHAIRMAN BISHOP:

Let me ask you this. Where you ever presented the resolution as part of the -- did somebody hand you this at any point?

MR. MINEI:

I believe it COC helped write the resolution. They're the ones that helped guide the program --

CHAIRMAN BISHOP:

Did the scientists ever see the resolution? Maybe that's the problem. There's a disconnect here.

MR. MINEI:

The RFP include the resolution. And just to quickly answer Adrienne's question, Suffolk County probably has the most comprehensive MTBE, longest standing MTBE groundwater analysis than any place in the country. We have over 50,000 analysis of MTBE from 1991. The EPA has not even required community -- water supplies to samples since 2001. So we were ten years ahead on the curve on that. We'll gladly make you a presentation on MTBE.

LEG. CARACCILOLO:

Vito, just to back up to my last question, and that is where do we go from here. Are there recommendation that are provided with this report as to what's next?

MR. MINEI:

Yes. We sort of generalized them for you, but they are indeed in the report and in the summary. We can pull it up. We can just quickly go right down them again.

LEG. CARACCILOLO:

Are those recommendation in this report as I see them there on that

MR. TONJES:

And expanded, yes, more than just bullets. Yes, sir

CHAIRMAN BISHOP:

All right. Thank you very much.

MR. TONJES:

Thank you for your time.

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CHAIRMAN BISHOP:

We're going to go to tabled subject to call -- I mean tabled resolutions.

TABLED RESOLUTIONS

LEG. CRECCA:

Where are we, tabled prime?

CHAIRMAN BISHOP:

Tabled prime. We're waiting for -- Resolution 1785 is not on the agenda. The official County web page lists it as assigned to Ways and Means, that's why it didn't appear on this agenda.

LEG. CRECCA:

That was an error, though, wasn't it?

CHAIRMAN BISHOP:

That was an error which was caught by the Planning Department and by Counsel Sabatino.

LEG. CRECCA:

Kudos to Counsel.

LEG. FIELDS:

And to planning.

LEG. CRECCA:

And to planning, of course.

CHAIRMAN BISHOP:

So we have our map.

LEG. CRECCA:

I'm dually impressed with both Counsel and Planning.

CHAIRMAN BISHOP:

And a demerit to the Clerk's Office. You'll accept it with grace.

LEG. CRECCA:

And on that note, we're going to change reporters.

CHAIRMAN BISHOP:

Okay.

1785. Authorizing planning steps for aquisition under Water Quality Protection component of the 1/4% Drinking Water Protection Program (property at West Broadway and Barnum Avenue, Port Jefferson Village) (FISHER)

MR. ISLES:

These are two parcels located in the Village of Port Jefferson. The parcels are in the vicinity of Barnum Avenue and I believe it's 25A. The acquisition is proposed totaling approximately two acres of land. As you'll see on the aerial photographs, and hopefully you have those before you, one parcel to the east is undeveloped. The parcel to the

west is used for partial outside storage at this time. This request did come from the village itself, a village with not a lot of open space, and I think they felt that in term of providing an opportunity for the protection of a drain way, a stream bed that extends through this area, that this would be helpful to do so. Now, this is only a planning steps resolution, obviously we would like to look at it a little bit more closely in terms of especially the developed site.

But the only other point I wanted to make on this is apparently the resolution make a reference to 12-5-E, the old Drinking Water Program. That might have to be adjusted a little bit, it might have to be 12-5-D or perhaps another program.

CHAIRMAN BISHOP:

We'll table it at this time, but I would ask, you're going to communicate with the village?

LEG. CRECCA:

No. I think what he was recommending is that we pass the planning steps and then they want to look at it through the planning steps process, is that correct?

CHAIRMAN BISHOP:

Where is the drainage? I don't see anything redeeming about that.

MR. ISLES:

Okay. It's -- on the parcel to the left, the bigger one with the boats parked on them, on the bottom part of that you can see like a winding dark line. That is a drainage way stream corridor right there. Obviously Port Jefferson's an older community, the corridor has been obviously developed in that vicinity quite extensively. So we're not dealing with an area that's pristine necessarily. I will point out directly adjoining that, as you can see some ball fields that are owned by the village, that is village property.

LEG. CARACCILOLO:

Tom.

MR. ISLES:

Yes.

LEG. CARACCILOLO:

At the last meeting we had in June, I requested that all subsequent submissions of aerials include the name of the -- name and address of property owners.

MR. ISLES:

I think we have in the -- the resolutions include that information.

MR. SABATINO:

1785.

MS. FISCHER:

Invesco Affiliates.

LEG. CARACCILOLO:

Who are they?

MR. ISLES:

Anonymous name. The owner and record that we have --

LEG. CARACCILOLO:

Where are they?

MS. FISCHER:

They're on Townline Road in Hauppauge.

MR. ISLES:

Right.

MR. ISLES:

I don't know who they are. But that's the address and the owner of record according to the records that we have.

LEG. CARACCILOLO:

And the village -- this is the Village of Port Jefferson.

MR. ISLES:

They've made the request based on the fact that there's very little open space in this area, and what little bit there is, this should be purchased for open space preservation?

MR. ISLES:

Yeah, I think the -- number one, it was sponsored by Legislator Fisher as the representative in this Legislative District. I'm aware that the village has had discussions, and I attended one meeting. And I think the village was expressing the point that they are obviously very densely developed in most parts. They have few opportunities for protection of remaining open space. And I think there is some validity to this, especially the parcel on Barnum Avenue, which is predominantly undeveloped. I don't see any development on it. There may be a true value in protecting that, protecting the stream corridor, perhaps providing some water quality enhancements in the future. And for the parcel that off of 25a, obviously, that is partially used for storage based on this aerial photograph. It's somewhat compromised, but here again, it is among the last remaining open space in this vicinity. It seems to warrant, at least a step down the road, to weigh it further.

CHAIRMAN BISHOP:

Is that a baseball diamond beneath it?

MR. ISLES:

Yeah. And that's owned by the village.

CHAIRMAN BISHOP:

So this parcel -- pardon me, I'm just ornery today. But this parcel is the size of the infield, the one on the right? It's tiny, correct?

MR. ISLES:

So the question is what is the size of the parcel.

MS. FISCHER:

It's a blow-up.

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CHAIRMAN BISHOP:

I mean, it looks like it's the same size as the -- as the infield of the baseball diamond.

MS. FISCHER:

It's a small lot, it just looks --

LEG. FIELDS:

Did you rate this? Did you rate this?

MR. ISLES:

No. The parcels total 1.08 acres. An about acre for the one with the boats on it, and about three quarters of an acre for the other parcel. The parcels would not rank terribly high due to the fact that the parcel size is kind of small. You know, this might be -- might be in a range of about a ten on the scale.

LEG. FIELDS:

What do they propose what to do with it? Was the Greenways -- it's just -- it is Greenways or it's --

MR. ISLES:

No. It's under the old quarter percent, but basically, it's for open space water protection, in this case, surface water protection. This obviously does flow eventually into Port Jefferson Harbor as a drainage way.

LEG. CARACCILO:

Mr. Chairman, given the fact that it rates so low on our scale, which has 25 as the minimum, would why the Planning Department even consider this?

MR. ISLES:

Well, number one, the scale is a guide. And so there have been resolutions approved, some of which we've recommended, some we haven't that have been very low ranking. And I think the -- I think we do have to accept the fact that there are differences in open space values in densely developed western communities of Suffolk County and more open areas, Pine Barrens and the Eastern End. And I think what

-- we're certainly not standing before you today saying this is the most important acquisition or something we would recommend actual authorization on. For planning steps, my feelings was that A) it is adjacent to the stream corridor, B) it might provide an opportunity for remediation and clean up. And I think it is looking at a situation where we're dealing with the last few undeveloped parcels. And so I think to at least pause and weigh is there some public benefit to considering a protection of these as one of the few last remaining parcels. I thought that was at least worth considering at this time.

LEG. CARACCIOLO:

The building that is just to the south of this parcel, on the right, what is that?

MR. ISLES:

That's a residence. My understanding it's a residence along Barnum

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Avenue.

LEG. CARACCIOLO:

And where you said --

CHAIRMAN BISHOP:

They have no backyard.

LEG. CARACCIOLO:

Where the boats are located in the second parcel, that's a marina?

MR. ISLES:

I think it's used for parking for a marina that's across the street.

LEG. CARACCIOLO:

What we're look here in this aerial, are those cars or boats?

MR. ISLES:

Those are boats.

LEG. CARACCIOLO:

Those are boats. Would we have any idea if there would be any contamination issues dealing with the use -- past use of this property.

MR. ISLES:

I don't have an idea right now. Certainly that's a very good question, and one that would have to be weighed in this acquisition if we were to go forward.

CHAIRMAN BISHOP:

I'm going to accept your invitation to pause and weigh, by not approving this at this time. I'd make to motion to table.

LEG. CARACCIOLO:

Second.

CHAIRMAN BISHOP:

Perhaps the Mayor of Port Jefferson can make a case here. We're certainly not ruling it as out of the question. Seconded by Legislator Caracciolo. All in favor? Opposed? Resolution is TABLED (VOTE: 4-0-0-1) (Not Present; Leg. Cooper)

That was not on the agenda. It should have been, it's 1795 -- 85, excuse me.

1001. Appropriating Greenways infrastructure improvements fund grant for Miller Place property in the Town of Brookhaven. (HALEY)

CHAIRMAN BISHOP:

Tabled Resolution 1001, Counsel, is this ready?

MR. SABATINO:

We are still waiting for the PAL Resolution, which we don't have.

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CHAIRMAN BISHOP:

Motion to table by Legislator Crecca, seconded by Legislator Caracciolo. All in favor? Opposed? It's TABLED (VOTE: 4-0-0-1) (Not Present; Leg. Cooper)

1002. Approving acquisition under Suffolk County Land Preservation Partnership Program (Ridgehaven Estates LLC property) Town of Brookhaven. (HALEY)

MR. SABATINO:

This one we're waiting for the Town Resolution.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields, second by myself. All in favor? Opposed? TABLED (VOTE: 4-0-0-1) (Not Present; Leg. Cooper)

1055. Approving acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands (property in ridge) Town of Brookhaven. (HALEY)

MR. SABATINO:

This one we are waiting for the two organizations -- there's two organizations we need on this one.

LEG. FIELDS:

Motion to table.

CHAIRMAN BISHOP:

Legislator Haley's a very patient man. Legislator Fields makes a motion to table, seconded by myself. All in favor? Opposed?

TABLED (VOTE: 4-0-0-1) (Not Present; Leg. Cooper)

1149. Implementing Greenways Program in connection with acquisition of farmland development rights at Yaphank. (TOWLE)

LEG. CRECCA:

Do we have the Town Resolution on this one?

MR. SABATINO:

This is the one that has been tabled because it's gone back and forth between the --

CHAIRMAN BISHOP:

We want to pay the lesser --

MR. SABATINO:

Right. And the final --

CHAIRMAN BISHOP:

The Greenways, if I'm not mistaken --

MR. SABATINO:

The last time we tabled it because we're waiting for the Town Board to commit to its share, and they haven't done that. So you want to go with the program that has the town contributing the 30%.

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LEG. CRECCA:

That's what the resolution now calls for, right?

MR. SABATINO:

Right. Now it provided for the 30%.

CHAIRMAN BISHOP:

Has the town committed to its 30%? So now we're waiting for the town. Motion to table by myself, seconded by Legislator Crecca. All in favor? Opposed? TABLED (VOTE: 4-0-0-1) (Not Present; Leg. Cooper)

1412. Adopting Local Law No. Year 2002, a Charter Law adding Article XXXVII to the Suffolk County Charter to provide a Suffolk County Save Open Space (SOS) Fund. (FISHER)

CHAIRMAN BISHOP:

Motion to table by myself, second by Legislator Fields. All in favor?
Opposed? TABLED (VOTE: 4-0-0-1) (Not Present; Leg. Cooper)

1419. Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (land known as Bluepoints Company Property - Underwater lands, Town of Brookhaven) (FIELDS)

LEG. FIELDS:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields, seconded by myself. All in favor? Opposed? TABLED (VOTE: 4-0-0-1) (Not Present; Leg. Cooper)

1450 is a local law to ban mass release -- we did that earlier -- of balloons. We did that earlier. Add Legislator Fields to the -- to the majority.

LEG. CRECCA:

She was in the chamber, and she did vote, I saw her in the back.

CHAIRMAN BISHOP:

You saw her vote, very good.

1540. Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (land at Ronkonkoma Cenacle, Town of Brookhaven) (CARACAPPA)

LEG. CRECCA:

Was this one of the ones that you were going to follow up with the sponsor, Tom, or?

MR. ISLES:

Yes. And following our last meeting, I requested a meeting with the sponsor. As of this time, I have not been scheduled for a meeting at this point. So we stand ready to attend if we can do so.

CHAIRMAN BISHOP:

Okay. Motion to table by Legislator Caracciolo, second by Legislator

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Fields. All in favor? Opposed?

LEG. CRECCA:

I'm going opposed on that one.

TABLED (VOTE: 3-1-0-1) (Opposed; Leg. Crecca) (Not Present; Leg. Cooper)

1571. Implementing pay-as-you-go 1/4% Taxpayer Protection Plan for Water Quality Protection and Restoration Program for Champlin Creek in Town of Islip. (ALDEN)

CHAIRMAN BISHOP:

Does this have its CEQ, all the mumbo jumbo?

MR. SABATINO:

No. This was -- this was tabled -- well, this was tabled for two reasons. One of them was for a corrected copy, which was completed and filed on July 10th.

CHAIRMAN BISHOP:

I thought it was a CEQ issue.

MR. SABATINO:

That was a previous issue. There was an EAF question. Let me just double check if that got resolved.

MR. ISLES:

It was corrected to change the department from Planning to Public Works. It was corrected to change the amount from 30,000 to \$40,000. It was recommended by CEQ at the last meeting, and you had just had it on today actually as a negative declaration.

CHAIRMAN BISHOP:

Right. That's a good -- motion to approve by myself, seconded by Legislator Fields. All in favor? Opposed?

APPROVED (VOTE: 4-0-0-1) (Not Present; Leg. Cooper)

LEG. CARACCILOLO:

The Champlin Creek, is the property that was along Sunrise Highway.

CHAIRMAN BISHOP:

It's along Montauk Highway, and they had --

MR. ISLES:

Champlins goes up and down past both Montauk and Sunrise.

CHAIRMAN BISHOP:

I think at this point we're talking about Montauk Highway, and they had a fuel spill, a truck overturned. And the -- right. I said there was a fuel spill from a truck -- a fuel truck overturning, and you said -- you said they want to undertake a water quality restoration program.

LEG. CARACCILOLO:

And I questioned where it was located, and you clarified it's along Montauk Highway, not Sunrise Highway. And what is the --

CHAIRMAN BISHOP:
\$40,000 going to.

LEG. CARACCILO:
It's 40, it was 30.

CHAIRMAN BISHOP:
It was 30, it's 40. It's going to the -- the technology is those rocks that we are also experimenting on Bergen Avenue. They're volcanic rocks from Wyoming, which are a natural filter, and this is one of the two sites where we're -- where DPW is studying whether it works.

MR. ISLES:
This is a state road, and I believe Public Works has met with the state as well as Legislator Alden's Office to coordinate this. So we'll need a state permit as well.

CHAIRMAN BISHOP:
And even DEC is on board.

LEG. CARACCILO:
Mr. Minei, are you on board?

MR. ISLES:
I'm not sure if it's gone to his department or not.

LEG. CARACCILO:
The Health Department. I mean, when you're talking about -- I know DPW, but when you are talking about water quality restoration, I think Mr. Minei has a lot of expertise to --

MR. MINEI:
There are other issue on Champlins.

LEG. CARACCILO:
Vito, if you can just come up, briefly. What I'm curious to know is are you on board in terms of this approach, this technology?

MR. MINEI:
I'm not an expert in this technology, so if Public Works want's to investigate it, its fine. We're just concerned because it's coming out of the Water Quality Preservation and Restoration Program. And I know there are other issues with regard to the implementation of that committee to review proposed projects and pass judgement on them. But I have no concerns positive or negative on this technology.

LEG. CARACCIOLO:

Okay. Do you want to share with the committee then what your concern is about using those funds.

MR. MINEI:

Well, no, it's just one more example of projects being approved out of the 1/4 cent that precedes the actions of the committee. But if you want to approve \$40,000 for this pilot test, that's at your discretion.

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LEG. CARACCIOLO:

Thank you.

CHAIRMAN BISHOP:

All right. Motion to approve having been made and seconded, all in favor? Opposed?

1694. Authorizing land acquisition under pay-as-you-go 1/4% Taxpayer Protection Program for land at Sans Souci Preserve, Town of Islip)
(LINDSAY)

MR. ISLES:

This is going to go to CEQ in August. We've --

CHAIRMAN BISHOP:

Motion to table by myself, seconded by Legislator Fields. All in favor? Opposed? TABLED (VOTE: 4-0-0-1) (Not Present; Leg. Cooper)

1702. Adopting Thomas McMahon as a member of the Lower Hudson-Long Island Resource Conservation and Development Area Council. (FOLEY)

CHAIRMAN BISHOP:

Did we ask Mr. McMahon to come? Why don't we discharge without recommendation, and we'll ask him to come to the full meeting. I will -- motion by myself, second by Legislator Fields to discharge without recommendations. All in favor? Opposed? DISCHARGED WITHOUT RECOMMENDATION (VOTE: 4-0-0-1) (Not Present; Leg. Cooper)

1702, Mr. McMahon's not here, he's not here because we didn't invite him. My error.

MR. SABATINO:

Also there was a question we don't know what this organization is.

CHAIRMAN BISHOP:

Yeah, we don't know what the Hudson-Lower thing is.

MR. SABATINO:

It's the Lower-Hudson, and I don't know what authority we have to appoint somebody to it.

CHAIRMAN BISHOP:

Also, please add Legislator Caracciolo to the majority on all the Introductory Prime Resolutions. Okay. Motion to adjourn.

LEG. CARACCILOLO:

Second.

CHAIRMAN BISHOP:

All in favor? Opposed? We stand adjourned.

TABLED CEQ RESOLUTION

CHAIRMAN BISHOP:

We're reconvening the Environment Committee because I inadvertently

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skipped over tabled CEQ Resolution.

31-02. Proposed Vector Control and Wetlands Management long term plan County-wide.

CHAIRMAN BISHOP:

It's a pos dec. Is there a motion?

LEG. CRECCA:

Positive declaration it is?

CHAIRMAN BISHOP:

Yeah.

LEG. CRECCA:

Oh, is that the Vector Control.

CHAIRMAN BISHOP:

This is your --

LEG. CRECCA:

This is the Vector Control. I make a motion to approve. I'm sorry.

CHAIRMAN BISHOP:

Come forward, Mr. Minei. I'm sorry. Come forward, I think Legislator Fields has a question.

LEG. FIELDS:

No.

CHAIRMAN BISHOP:

You don't.

LEG. CRECCA:

I'll make a motion to approve. I don't know if there's a second.

CHAIRMAN BISHOP:

I guess I have one question. When we approved the Vector Control Plan for this year, it was said that during this year there would be, you know, an intense study or thorough study of the environmental implications of the Vector Control Program. Is this the resolution that achieves that?

MR. MINEI:

What this does, the resolution discusses the preparation of a long term management plan and an accompanying EIS. It does just that. It discusses not only pesticide application, but the wetlands implications of the Vector Control Program. The entire project will take about two years to perform.

CHAIRMAN BISHOP:

Motion by Legislator Fields -- I mean, Legislator Crecca, seconded by Legislator Fields. All in favor? Opposed? APPROVED (VOTE: 3-0-1-1) (Abstain: Leg. Caracciolo) (Not Present; Leg. Cooper)

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LEG. CARACCILO:

I abstain.

CHAIRMAN BISHOP:

You know what? I'll make a motion to discharge without recommendation.

LEG. CRECCA:

It's CEQ.

CHAIRMAN BISHOP:

Can we do that with this resolution?

LEG. CRECCA:

CEQ Resolutions don't go. These are just for us.

CHAIRMAN BISHOP:

I withdraw that. The vote stands, it was approved three to one. Thank you. We readjourn.

(*THE MEETING WAS ADJOURNED AT 5:15P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY